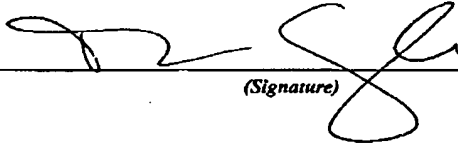
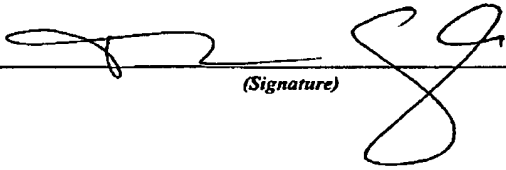


NOV 29 2006

CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8) Applicant(s): Manabu Fujita, et al.			Docket No. 17517
Application No. 10/792,237	Filing Date March 3, 2004	Examiner Philip Robert Smith	Group Art Unit 3739
Invention: CAPSULAR MEDICAL SYSTEM			
Confirmation No.: 4668			
<p>I hereby certify that this <u> RESPONSE TO RESTRICTION REQUIREMENT </u> <i>(Identify type of correspondence)</i> is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>571-273-8300</u>) on <u>November 29, 2006</u> <i>(Date)</i></p> <p style="text-align: right;"><u>Thomas Spinelli</u> <i>(Typed or Printed Name of Person Signing Certificate)</i></p> <p style="text-align: right;"> <i>(Signature)</i></p> <p style="text-align: center;">Note: Each paper must have its own certificate of mailing.</p>			

P18/REV02

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P18/REV02

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Applicants:	Manabu Fujita, et al.	Examiner:	Philip Robert Smith
Serial No:	10/792,237	Art Unit:	3739
Filed:	March 3, 2004	Docket:	17517
For:	CAPSULAR MEDICAL SYSTEM	Dated:	November 29, 2006
Conf. No.:	4668		

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO SPECIES ELECTION

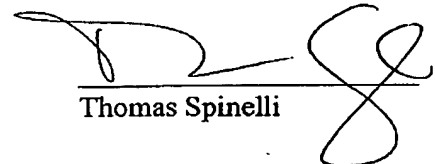
Sir:

Pursuant to the species election requirement imposed in the Official Action dated August 30, 2006, Applicants elect the claims of Species [01e], readable on claims 7-17 for continued prosecution herein.

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office on the date set forth below.

Dated: November 29, 2006


Thomas Spinelli

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Claims 1-17 are present in the above-captioned application and have been subjected to a species election under 35 U.S.C. § 121. Specifically, the Official Action avers that the following patentably distinct species of the claimed invention are present in the claims:

Species [01a], First Embodiment, pages 5-16, readable on Figures 1-3C;

Species [01b], Second Embodiment, pages 16-17, readable on Figure 4;

Species [01c], Third Embodiment, pages 17-18, readable on Figure 5;

Species [01d], Fourth Embodiment, pages 18-20, readable on Figures 6A-6C;

Species [01e], Fifth Embodiment, pages 20-38, readable on Figures 7-12; and

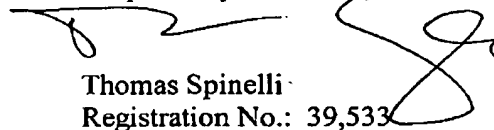
Species [01f], Sixth Embodiment, pages 38-42, readable on Figure 13.

It is the Examiner's position that the species listed as Groups [01a] - [01f] are patentably distinct from each other.

In response to the Examiner's requirement for species election, Applicant elects to prosecute the subject matter of Species [01e], readable on claims 7-17. However, Applicant reserves the right under 35 U.S.C. § 121 to file one or more divisional applications directed to the non-elected subject matter in this application.

In view of the foregoing, an examination on the merits of the elected claims, at an early date, is earnestly solicited.

Respectfully submitted,



Thomas Spinelli
Registration No.: 39,533

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